

REMARKS

This Amendment is submitted simultaneously with filing of the request for continuing examination.

With the present Amendment, applicants have canceled the original claims and submitted a new set of claims 25-40.

Claim 25 substantially corresponds to the original claim 1, but defines the corresponding features in a way so as to clearly disclose the structural cooperation of the components.

Claims 25-27, 34 and 36-38 substantially correspond to the original claims 1-3, 10 and 12-16 but have been somewhat amended.

Claims 28-33 and 35 are new claims. The support for these claims is provided in the following parts of the disclosure: for claim 28- on page 23, lines 23-29 in connection with Figures 8 and 19; for claim 29-on page 22, line 28, page 23, line 1 in connection with Figure 19; for claim 30- on page 22 lines 18-20, page 23, lines 23-27 in connection with Figure 19; for claim 31-page 23, lines 23-27 in connection with Figure 19; for claim 32-

page 23, lines 18-23 in connection with Figures 19 and 21; for claim 33- Figure 19; for claim 35-page 23, lines 18-23 in connection with Figures 9, 19 and 21.

The Examiner rejected the original claims over the patent to Wiley. This reference discloses a tool holder for an angle grinder with a supporting device, with which an application tool 26 is connectable with a drive shaft 14, as shown in Figure 1. The supporting device includes a blocking element 38 which is supported movably against a spring force produced by a spring element 42 and, being given by the spring force, snaps into a locking position when the application tool 26 is located in a working position, whereby the application tool 26 is connected in a peripheral direction with the drive shaft 14.

The device disclosed in the patent to Wiley further has a second element 36 which is different from the blocking element 38 and is provided for connecting the application tool 26 in an axial direction with the drive shaft 14.

The device disclosed in the patent to Wiley however has no spring element which is formed so that an axial force is applied through the

second element 36 to the application tool 26. The spring element 42 through a member 48 transmits its spring force to the blocking element 38. In the working configuration this spring force is transmitted through a projection 60 and a groove 62 to the second element 36 (as explained in the patent to Wiley in column 2, lines 16-19 and in column 4, lines 19-22) and is supported through a screw 21 directly on the drive shaft 14 without engaging the application tool 26. In the axial direction, the application tool 26 is held exclusively by grooves 34 in the second element 36.

A new feature of the present invention that the spring force of the spring element 42 is used for clearance-free holding of the application tool 26 in an axial direction is not disclosed in this reference and can not be derived from it as a matter of obviousness.

It is believed to be clear that this reference does not teach the new features of the present invention as defined in claim 25 and also in claim 38.

Also, none of the patents to Mackay, Larson and Block disclose any hint or suggestion for bracing an application tool by a spring element axially with a tool holder.

The Examiner rejected the claims as being anticipated by the references. It is believed that this rejection should be considered as no longer tenable with respect to the independent claims presented with this Amendment. The Examiner's attention is respectfully directed to the decision in *re Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the references do not disclose all elements which are now defined in claims 25 and 38, and therefore it is believed that the anticipation rejection should be considered as no longer tenable and should be withdrawn.

With the present invention as defined in the independent claims can not be also considered as obvious from the teachings of the references as well.


In view of the above presented remarks and amendments, it is believed that claims 25 and 38 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the independent claims, they share their presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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